UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

In Re TERRORIST ATTACKS on SEPTEMBER 11, 2001

03 MDL 1570 (GBD)(FM) ECF Case

This document relates to:
All Cases

NOTICE OF MOTION OF DEFENDANT NATIONAL COMMERCIAL BANK TO STRIKE OR, ALTERNATIVELY, FOR LEAVE TO RESPOND TO NEW ARGUMENTS IN PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION FOR DECLARATORY RELIEF

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 6(b) and this Court's Local Rule 6.1, and for the reasons explained in the accompanying Memorandum or Law, Defendant The National Commercial Bank ("NCB") respectfully moves for an order: striking the new arguments and excess pages in Plaintiffs' Reply Memorandum of Law in Further Support of Motion for Declaratory Relief (MDL Dkt. #2163) and in the March 19, 2009 Declaration of Robert T. Haefele (MDL Dkt. #2164) and the exhibits attached thereto; or, alternatively, considering NCB's response to plaintiffs' new arguments as set forth in the accompanying memorandum of law.

Dated: March 30, 2009 Washington, D.C. Respectfully submitted,

/s/ Mitchell R. Berger
Mitchell R. Berger (MB-4112)
Alan T. Dickey
PATTON BOGGS LLP
2550 M Street, N.W.
Washington, D.C. 20037
Phone: 202-457-6000

Fax: 202-457-6315

Attorneys for Defendant The National Commercial Bank